

REMARKS

Claim 1 has been amended. Claims 5-9 and 16-34 have been canceled without prejudice. Claims 1-4 and 10-15 are now pending for the Examiner's consideration.

Claim 1 has been amended to delete terms such as heterocycle, heteroaryl, heteroaryloxy and heterocycloamino from the definition of R¹, R², R³ and R⁴. Claim 1 has also been amended to narrow the scope of R⁶, R¹⁵ and R¹⁶, wherein support for the terms added, namely "pyrrole, pyrrolidone, imidazole, thiophene, furan, tetrahydropyranyl", can be found on page 14-15 of the specification. Therefore, no new matter has been added.

Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections, in light of the foregoing amendments and following remarks.

Rejection under 35 U.S.C. § 112

Claims 5-9 were rejected under 35 U.S.C. § 112, first and second paragraph, for the reasons set forth on pages 4-8 of the Office Action. Claims 5-9 have been canceled. Rejection under 35 U.S.C. § 112 thus no longer applies and Applicants respectfully request the rejection be withdrawn.

Double patenting rejection

Claims 1-15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 5 of Sun et al. US 6,797,725 for the reasons set forth on pages 9-10 of the Office Action. A terminal disclaimer over US 6,797,725 is submitted currently herewith. Applicants request the rejection be withdrawn.

Objection to non-elected subject matter

Claims 1-15 were objected to as containing non-elected subject matter, specifically heteroaryl, heterocycle, heterocycloamino, heterocyclakyl, etc, as indicated on page 10 of the Office Action. Claim 1 has been amended to delete the non-elected subject matter. Claims 2-4 and 10-15 depend from claim 1. Claims 5-9 have been canceled. Applicants believe the objection thus no longer applies and request that it be withdrawn.

Conclusion

Applicants believe all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicants invite the Examiner to contact the undersigned agent.

If any fees other than those submitted herewith are due in connection with this response, including the fee for any required extension of time (for which Applicants hereby petition), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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